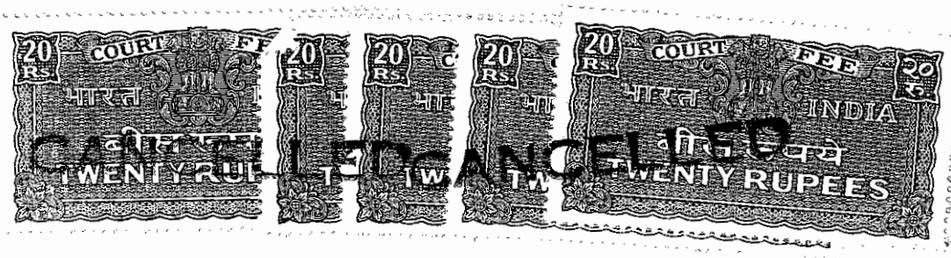

(2)

IN THE HIGH COURT OF MADHYA PRADESH JABALPUR

WRIT PETITION NO. 3402 OF 1999

RABINDRA NATH MUKHOPADHYAY,
LEGAL MANAGER,/ GENERAL SECRETARY.
COAL MINES OFFICERS' ASSOCIATION OF INDIA
SECL BRANCH, SECL, BILASPUR. ..... PETITIONER

Vs.

1. UNION OF INDIA,
THROUGH SECY. MINISTRY OF LAW,
NEW DELHI.

2. COAL INDIA LIMITED ..... RESPONDENTS
THROUGH ITS CHAIRMAN CUM MANAGING
DIRECTOR,
10, NETAJEE SUBHASH ROAD,
C A L C U T T A.

3. SOUTH EASTERN COALFIELDS LIMITED,
THROUGH ITS CHAIRMAN CUM MANAGING DIRECTOR,
SEEPAT ROAD, BILASPUR(MP)

Petition under Article 226 of the Constitution of India.

(23)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

-CORAM : **HON'BLE SHRI H.L. DATTU, CJ.**
HON'BLE SHRI V.K. SHRIVASTAVA, J.

W.P. NO.3402 OF 1999

PETITIONER Rabindra Nath Mukhopadhyay

Versus

RESPONDENTS Union of India and others

Present : Shri Rabindra Nath Mukhopadhyay, petitioner in person.

Shri Bhishma Kinger, Standing Counsel for Union of India/ respondent No.1.

Shri P.S. Nair, Sr. Advocate with Shri Vinod Deshmukh, counsel for Coal India Limited and South Eastern Coalfields Limited/ respondents No. 2 and 3.

W.P. NO.4621 OF 1999

PETITIONERS H.D. Gupta & others

Versus

RESPONDENTS Union of India and others

Present : Shri Rabindra Nath Mukhopadhyay, party in person.

Shri Bhishma Kinger, Standing Counsel for Union of India/ respondent No.1.

Shri P.S. Nair, Sr. Advocate with Shri Vinod Deshmukh, counsel for Coal India Limited and South Eastern Coalfields Limited/ respondents No. 2 and 3.

W.P. NO.3465 OF 2003

PETITIONER Smt. Saraswati Sadhu

Versus

(24)

RESPONDENTS: Coal India Limited & another.

Present:

Shri Rabindra Nath Mukhopadhyay, party in person.

Shri P.S. Nair, Sr. Advocate with Shri Vinod Deshmukh, counsel for Coal India Limited and South Eastern Coalfields Limited/respondents.

ORAL ORDER

(Passed on 19th February, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

The issues involved in all these writ petitions are common, therefore, they are clubbed, heard and disposed of by this common order.

(2) Petitioner in W.P. No. 3402 of 1999, at the time of filing of this writ petition, was working as Legal Manager in South Eastern Coalfields Limited. He is also General Secretary of the Coal Mines Officers' Association of India. In this writ petition, the petitioner is seeking the following reliefs. They are:

> "i) To quash the Annexure P-1 by issuing the writ of certiorari.
>
> ii) To issue a writ of mandamus directing the respondents to pay gratuity to all the executives who retired between the period 1-1-92 to 24-9-97 at the rate of 15 days' salary for each completed year of service.
>
> iii) To award interest on the balance amount of gratuity payable to the executives who retired between 1-1-92 to 24-9-97.
>
> iv) To hold that Sec.4(3) of the Payment of Gratuity Act is ultra vires.

(25)

v). To award costs to the petitioner.

vi). Any other relief/ reliefs order/ orders, writ/writs, direction/ directions as may be deemed fit by this Hon'ble Court.

(3) After arguing the matter for some time, learned Senior Counsel appearing for respondents No.2 and 3/ Coal India Limited & South Eastern Coalfields Limited would submit, that, if the petitioner approaches respondent – Coal India Limited for redressal of his grievances and also grievances of other Officers of the respondents – Organisation, the same would be sympathetically considered by the respondents.

(4) The suggestion made by the learned Senior Counsel is not opposed by the petitioner who appears in person. The petitioner as well as respondents No. 2 and 3 have filed memos before us.

(5) Memo filed by petitioner – Rabindra Nath Mukhopadhyay reads as under :

> "That the petitioner begs to submit that the respondents in continuation of order dated 07.01.2002 passed by this Hon'ble Court have an expressed their willingness to consider sympathetically the claim of the officers and their legal dependent. In view of such submissions the petitioner accepts the same and will make representation before the CMD, Coal India Ltd., Kolkata i.e. respondent No.2 for consideration his grievances by sympathetically and accordingly the matter may kindly be disposed. "

(6) Memo filed by learned counsel for respondents No. 2 and 3 reads as under :

(26)

" By order dated 07.01.2002 passed by this Hon'ble Court, the Respondent No.1 and 2 begs to submit that the committee of three members have been constituted to examine the grievances of the petitioner individually and the same grievances were examined whenever, any more claim in respect of concerned officers that he can submit the same to CMD, Coal India Limited, Kolkata and get the matter to examine and will take the sympathetically view in light of the grievances of the petitioner. He may therefore, submit a detail of the claim individually of the concerned officer to CMD, Coal India Limited, KOlkata and thereafter the Respondent No.2 will consider the grievances of the petitioner by sympathetically view. That, in view of the above submission, the Hon'ble Court be pleased disposed the matter accordingly."

(7) In view of the memos so filed by the petitioner as well as respondents No.2 and 3, we are of the opinion that we need not go into the merits and demerits of the petitioners' case. Accordingly, the following:

Order

(i) The writ petitions are disposed of.

(ii) The memos filed by the parties to the lis are placed on record.

(iii) The petitioners are at liberty to make appropriate representations before respondent – Coal India Limited, within a month's time from today for redressal of their grievances.

(27)

(iv) If and when such representations are filed by the petitioners, the respondent – Coal India Limited shall consider the same sympathetically, pass appropriate orders and serve a copy of the said order on the petitioners. If for any reason, the petitioners are aggrieved by the said order, they are at liberty to approach this Court once again.

(v) All the contentions raised by both the parties are left open.

(vi) Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice